



Declaration and Power of Attorney

As a below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our respective names.

We believe that we are the original, first and joint inventors of the subject matter that is described and claimed in Patent No. 5,946,380, issued on August 31, 1999, entitled Communications System and Method with Call Expenditure Control, the application for which was filed on November 6, 1997 as application Serial No. 08/965,521 (Henceforth, "our patent").

We hereby offer to surrender our patent, and solicit in its place a reissue patent for the invention, which is described and claimed in the attached reissue application and preliminary amendment.

We verily believe our patent to be partly inoperative by reason of us claiming less than we had the right to claim. Specifically, independent claim 17 refers to a "budgeted calling time and amount," but the invention is believed to be broader in that it encompasses a prepayment for communication service. Claim 17 also specifies a voice response unit, but the invention is believed to be broader in that it encompasses any means for signaling a user that the prepayment is being exhausted and the user can choose some action to be taken when the prepayment is exhausted. Independent claim 1 has similar unnecessary limitations and, additionally, refers to a "telephone line," but the invention is believed to be broader in that it encompasses other communication channels. Independent claim 13 has unnecessary limitations similar to claim 1.

The error arose during the preparation of the application for the original patent, and without deceptive intent on our part. More specifically, the error arose because, in preparing the patent application, we, and the attorneys who helped us, focused on the illustrative examples that we disclosed, and somehow failed to step back, just prior to filing the application, to sufficiently and critically evaluate the claims relative to what we believed our invention to be, rather than relative to the specific illustrative examples that were presented.

We hereby state that we have reviewed and understand the contents of the aboveidentified application, including the claims as amended or added to by the preliminary amendment.

We acknowledge the duty to disclose information that is material to the examination of the application, in accordance with Title 37 of the Code of Federal Regulations, section 1.56(a).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

Samuel H. Dworetsky	(Reg. No. 27873)
Thomas A. Restaino	(Reg. No. 33444)
Benjamin S. Lee	(Reg. No. 42787)

We also appoint the following as associate attorney(s), with full power to prosecute said application, to make alternations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith:

Henry T. Brendzel (Reg. No. 26,844)

Please address all correspondence to Henry T. Brendzel, P.O. Box 574, Springfield, NJ 07081. Telephone calls should be made to Henry T. Brendzel at (973) 467-2025.

Full name of joint inventor: Steve L. Cohen

Inventor's signature

__ Date ____

Residence:

Summit, Union County, New Jersey

Citizenship:

United States of America

Post Office Address:

12 Glen Oaks Are

Summit, NJ 07901

Full name of joint inventor: Michael Davitt	
Inventor's signature Residence: Berkley Heights, Union County, New Jersey Citizenship: United States of America Post Office Address: 50 Hamilton Avenue Berkley Heights, New Jersey 07922	Date
Full name of joint inventor: Leonard Matulewski	
Inventor's signature	Date
Residence: Andover, Sussex County, New Jersey Citizenship: United States of America Post Office Address: 38 Pequest Road Andover, New Jersey 07821	
Full name of joint inventor: Alan B. Moshinsky	
Inventor's signature Residence: Somerville, Somerset County, New Jersey Citizenship: United States of America Post Office Address: 500 Auten Road Unit 1C Somerville, New Jersey 08876	Date
Full name of joint inventor: Kathleen T. Quinn	
Inventor's signature Residence: Denville, Morris County, New Jersey Citizenship: United States of America Post Office Address: 7 West Shore Road Denville, New Jersey 07834	Date
Full name of joint inventor: Usha Rao	
Inventor's signature	Date
Residence: Randolph, Morris County, New Jersey Citizenship: United States of America Post Office Address: 3 Wilkeshire Blvd. Randolph, New Jersey 07869	



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Inventor's signature	Date
Residence:	
Citizenship:	•
Post Office Address:	

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Inventor's signature Residence: Denville, Morris County, New Jersey Citizenship: United States of America Post Office Address: 7 West Shore Road Denville, New Jersey 07834	Date
Full name of joint inventor: Usha Rao	
Inventor's signature Residence: Randolph, Morris County, New Jersey Citizenship: United States of America Post Office Address: 3 Wilkeshire Blvd.	Date
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Full name of joint inver	ntor: Steve L.	Cohen	· 2"		
		•			
Inventor's signature	<u> </u>		 Date		
Residence:			 		
Citizenship:				<i>:</i> ·	
Post Office Address:				· :	

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Residence: Berkley Heights, Union County, New Jersey	
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Post Office Address: 50 Hamilton Avenue	
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Full name of joint inventor: Alan B. Moshinsky	7/2-1-
Inventor's signature (Sland NW) Swwich	$Date \frac{7/27/2002}{2002}$
Residence: Somerville, Somerset County, New Jersey	— — — — — — — — — — — — — — — — — — —
Citizenship: United States of America	
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Full name of joint inventor: Usha Rao	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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2

Our patent is not presently involved in litigation.

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